



Meeting Date: August 17, 2020

**TOWN OF MORAGA**

**STAFFREPORT**

**To: Planning Commission**

**From: David Early and Carey Stone, PlaceWorks  
Afshan Hamid, Planning Director**

**Subject: Conduct a Public Hearing and Consider Adoption of Resolutions to:**

**A. Recommend the Town Council Adopt an Ordinance to:**

- 1) **Adopt a new Zoning Map within the MCSP Area; and**
- 2) **Update Title 8 of the Moraga Municipal Code Including Chapters 8.04 – General Provisions and Definitions, 8.24 – One, Two, and Three Dwelling Units per Acre Residential Districts; 8.32 – Six Dwellings per Acre Multifamily Residential District (R-6); 8.34 – Twenty Dwelling Units per Acre Residential District (R-20); 8.36 – Community Commercial District; 8.40 – Limited Commercial District; 8.44 – Suburban Office District; 8.48 – Planned Development District; 8.50 – Planned Development-Commercial (PD-C); 8.52 – MOSO and Non-MOSO Open Space Districts; 8.56 – Institutional District; 8.60 – Study District; 8.76 – Off-Street Parking and Loading; 8.124 - Accessory Dwelling Units; and**
- 3) **Establish the Following New Chapters within Title 8 of the Moraga Municipal Code, Chapter 8.33 – Twelve Dwelling Units per Acre Multifamily Residential District (R-12); Chapter 8.37 – MCSP Commercial District (MCSP-C); Chapter 8.41 – MCSP Mixed Retail/Residential; (12-20 Dwelling Units per Acre) (MCSP MU-RR); Chapter 8.42 – MCSP Mixed Office/Residential (12-20 Dwelling Units per Acre) (MCSP MU-OR); Chapter 8.65 – Moraga Ranch Overlay District; Chapter 8.200 – Moraga Center Specific Plan Area Regulations.**

- B. Recommend the Town Council Adopt a Resolution to Revise the Moraga Design Guidelines to 1) Establish a New Chapter 11 in the Town of Moraga Design Guidelines to incorporate the Moraga Center Specific Plan (MCSP) Design Guidelines Adopted in 2010 as**

1           **Appendix B to the Moraga Center Specific Plan; 2) Make Minor**  
2           **Updates to the MCSP Design Guidelines, Chapter 11, Sections 6.1**  
3           **Lighting, 6.2 Signage, and 6.3 Walls and Fencing; 3) Add Chapter**  
4           **11, Sections 8. Street Design Standards, 9. Pedestrian and Bicycle-**  
5           **Friendly Design, and 10. Town Square Design Guidelines to the**  
6           **MCSP Design Guidelines; and 4) Other Minor Non-Substantive**  
7           **Changes**

8  
9           **C. (CEQA Review: Consistent with the Final Environmental Impact**  
10           **Report for the Moraga Center Specific Plan (SCH 200707212)**  
11           **certified on January 27, 2010; Exempt under CEQA Guidelines**  
12           **Section 15061(b)(3))**

13  
14           **Request**

15           A second Public Hearing has been scheduled to continue Planning Commission review  
16           and recommendation on the amendments to the Town’s Zoning Code and Design  
17           Guidelines to implement the 2010 Moraga Center Specific Plan. The requested Planning  
18           Commission action is to review and provide feedback on the proposed changes to the  
19           Zoning Code and Design Guidelines, and after taking public input and feedback  
20           recommend approval to the Town Council.

21  
22           **Background**

23  
24           **Overview of the Process**

25           Staff is providing an overview of the process and steps under which the 2010 adopted  
26           Moraga Center Specific Plan (MCSP) and the current Moraga Center Specific Plan-  
27           Implementation (MCSP-IP) were developed.

28  
29           The Town Council through resolutions adopted the 2002 General Plan and the 2015 –  
30           2023 Housing Element. Prior to the enactment of the General Plan and Housing Element,  
31           extensive community outreach, which included numerous workshops, coordination with  
32           local and regional agencies, public hearings with Planning Commission and Town Council  
33           were held. As a result of community input and vision, both documents directed the  
34           development of the 2010 MCSP. The MCSP is the established document that was  
35           developed through a robust seven-year planning process involving Moraga residents,  
36           Town leaders, neighboring communities, other public agencies, property owners,  
37           consultants and interested persons. While the MCSP does not authorize immediate  
38           construction, it is an important step in defining the future development potential of the  
39           area. The MCSP is the specific plan that realizes a long term overall desired community  
40           vision. Table 4-1 in the 2010 MCSP is the Development Potential, and a developer based  
41           on market conditions could opt to build the maximum or below the maximum. The  
42           maximum potential is analyzed for all studies including traffic, market analysis and  
43           regional housing needs allocation.

44  
45           The Moraga 2002 General Plan is a statement of community values and priorities. It  
46           describes the type of community Moraga wants to be in the future and sets forth goals,  
47           policies and action programs across a range of issue areas to help achieve the community  
48           goals. The Moraga 2002 General Plan serves as a guide to ensure that each decision is

1 made in the best interest of the Town’s long-term future. It provides guidance for the  
2 preparation of specific plans, implementing ordinances, development of policy  
3 statements, and ongoing planning activities. Chapter 3 includes LU3 Community Focal  
4 Points, LU3.1 Moraga Center Area Specific Plan. *Implement the Moraga Center Specific*  
5 *Plan and coordinate as appropriate with the planning for the Rheem Park Area Specific*  
6 *Plan.* LU3.2 through LU3.3 have specific goals for Vision, Mix of Uses, Housing, Retail  
7 and Office Uses, Research and Development Uses, Design Quality, Traffic Access,  
8 Pedestrian and Bicycle Circulation, and Transit. Under Housing, the goal is to explore  
9 appropriate locations and densities to achieve the Town’s fair share of ‘Regional Housing  
10 Need’ in keeping with the goals and policies of the Housing Element. A goal is to provide  
11 a mix of housing types that is fitting with Moraga’s community character and responds to  
12 the needs of lower and moderate income households, the local workforce, seniors, and  
13 ‘empty-nesters.’ The Town established an action plan IP-K1, *Moraga Center Area and*  
14 *Rheem Park Area Specific Plans which required a coordinated specific plan process in*  
15 *accordance with the goals and policies of the General Plan.*

16  
17 On January 28, 2015 after public outreach and engagement which included a community  
18 workshop and stakeholder workshop the Town of Moraga adopted the 2015-2023  
19 Housing Element. A key goal is *to maximize opportunities for the development of housing*  
20 *to accommodate anticipated growth, facilitate mobility within both the ownership and*  
21 *rental markets, and encourage a diverse community.* Under Chapter 5 II, Housing Plan,  
22 IP-H4 states *Adopt Zoning for the Moraga Center Specific Plan. The Town shall adopt*  
23 *conforming zoning designations for all properties within the Moraga Center Specific Plan*  
24 *Area in order to implement the Plan.* The goal is expanded under Chapter 5, Housing with  
25 residential capacity, planned housing types, analysis of vacant parcels, infrastructure and  
26 feasibility. The Housing Element also anticipated approved and pending projects and lists  
27 major subdivisions that are anticipated including full build out of the MCSP area,  
28 development of the Palos Colorados subdivision, Los Encinos subdivision, Country Club  
29 Extension, Camino Ricardo subdivision, Hetfield subdivision, Moraga Town Center  
30 Homes, Via Moraga and Rancho Laguna II.

31  
32 California Government Code Section 65300.5, requires internal consistency among the  
33 various elements of the general plan shall provide an integrated and internally consistent  
34 and compatible statement of policy. The MCSP-IP is the Zoning Code with the  
35 implementation or the tools to achieve the already established and adopted community  
36 vision. The Zoning Code is required to be consistent with the already adopted plans in  
37 the 2002 General Plan, 2015-2023 Housing Element and the adopted 2010 MCSP. The  
38 adopted plans allow for future development under the framework of established  
39 community vision, standards and guidelines. The MCSP-IP is a continuation of  
40 established community vision and goals. Currently, there is no development application  
41 or preliminary applications. The adoption of the proposed zoning does not directly result  
42 in development. A developer must submit an application to the Town for a project, and  
43 each application must go through the Planning Commission and or Town Council review  
44 process.

#### 45 Overview of the Moraga Center Specific Plan

46 The Moraga Center Specific Plan (MCSP) was adopted on January 27, 2010, following  
47 an approximately seven-year process that included public meetings and workshops, and  
48 extensive discussions with the property owners in the Specific Plan area. The MCSP

1 allows for higher density infill and mixed use (residential, commercial and office)  
2 development that is well connected by transit, pedestrian and bicycle facilities.

3  
4 The MCSP was supported by a series of technical analyses, including an  
5 economic/market assessment that analyzed the market demand for new commercial  
6 development; various types of housing and lodging; and a comprehensive traffic study  
7 that considered how development of the Moraga Center would affect local and regional  
8 (Lamorinda) traffic patterns. A premise of the MCSP and its associated traffic analysis is  
9 that the type of development called for in the MCSP — smaller/higher density units, in a  
10 walkable, transit-friendly environment — will inherently have lower vehicle trip generation  
11 rates than traditional single-family or multi-family residential development in Moraga.

12  
13 In compliance with the California Environmental Quality Act (CEQA), a draft  
14 Environmental Impact Report (DEIR) was prepared to analyze the impacts of the project,  
15 including build-out of the various land uses and implementation of the development  
16 standards outlined in the Plan. The Final Environmental Impact Report (FEIR) was  
17 adopted on January 27, 2010. Links to the DEIR and FEIR are include as attachments.  
18 Although the EIR analyzed a land use program including up to 720 new residential units,  
19 the adopted MCSP reflected a reduced development version of the project, allowing for  
20 up to 630 units.

21  
22 The Moraga Center area has been designated as a Priority Development Area (PDA) by  
23 the Association of Bay Area Governments and Metropolitan Transportation Commission,  
24 making it eligible for priority grant funding.

#### 25 26 MCSP Citizens Advisory Committee

27 On February 12, 2019 the Town formed a Moraga Center Specific Plan Citizens  
28 Advisory Committee (CAC) to provide input to the Planning Commission and Town  
29 Council on the implementation of zoning and development standards for the already  
30 approved 2010 MCSP. Per the Town of Moraga MCSP Implementation Project CAC  
31 Charter, the responsibility and purpose of the MCSP CAC was to advise and provide  
32 recommendations for zoning and related regulations intended to implement the 2010  
33 MCSP. The CAC is advisory only and a formal review of any recommendations is  
34 required by the Planning Commission and the Town Council.

35  
36 The CAC consisted of 34 members of the community including: 2 Town Councilmembers  
37 appointed to the MCSP Ad Hoc Committee; 2 Planning Commission Members identified  
38 by the Planning Commission (Chair Stromberg and Commissioner D'Arcy); 1 Art in Public  
39 Spaces Committee Member; 2 MCSP area property owners; and 27 members at large.  
40 The Town held four CAC meetings between July and October of 2019. Two design  
41 scenarios with four visual simulations of each were developed to demonstrate the  
42 possible futures allowed under the MCSP. See Attachment I. The draft scenarios were  
43 not intended as development proposals, but instead to illustrate how future development  
44 might look given the density, height and other MCSP regulations. One scenario focused  
45 residential development on the hillside and the second focused density in the mixed-use  
46 core.

1 At the September 4, 2019 CAC meeting the two design scenarios were shared with  
2 focused discussion on 1) Town center land use allocation, density, and design (upper  
3 story stepbacks); 2) Residential development in the hillside area vs. Town Center; 3)  
4 Creek Corridor/Public Access; 4) Scenic Corridors/Setbacks; and 5) Moraga Ranch.  
5 Some of the key discussions areas follow:

6  
7 Zoning has to be consistent with the MCSP;  
8 The entire MCSP is based on the principle of Transit Oriented Districts (TOD);  
9 Stepbacks on taller buildings create visual relief;  
10 Portray full buildout allowed under the Specific Plan;  
11 Retain Moraga Ranch as focus for hotel;  
12 Extend School Street to Saint Mary's Road; and  
13 Inclusion of Lafayette Moraga Regional Trail along School Street.  
14

15 The CAC in general sought to preserve the Town's character through setbacks along the  
16 scenic corridor and upper story step-backs. The recommendation was to support a 510  
17 maximum buildout of residential units and a 630 maximum buildout if the developer  
18 provides affordable housing that meets the California State Density Bonus Law. This was  
19 consistent with the traffic studies analyzed in the Draft EIR. Additionally, there was  
20 discussion on affordable housing. The MCSP provides for workforce/compact housing  
21 which is typically understood to signify housing affordable to teachers, The restrictions of  
22 senior housing, as defined by Section 51.3 of the California Civil Code, as age-restricted  
23 (typically residents of senior housing need to be 55 years or older) was also discussed.  
24

25 As a result of the four meetings, on October 1, 2019, the CAC adopted a list of 17 overall  
26 recommendations and additional zoning considerations to implement the MCSP (see  
27 Attachment E). In general, the overall recommendations are intended to be consistent  
28 with the MCSP. The main exception is additional zoning consideration #3 that states  
29 that the CAC does not believe Area 7 is an appropriate place for congregate care.  
30 Consistent with the adopted MCSP, congregate care is allowed in Area 7 as a Planned  
31 Development as long as it is in harmony with other authorized uses and serves to fulfill  
32 the function of the planned development district while complying with the General Plan.  
33

#### 34 Senate Bill 330

35 Senate Bill 330 (SB 330), approved by the State of California in 2019 and effective as of  
36 January 1, 2020, is a sweeping bill aimed at ensuring zoning-compliant housing projects  
37 are approved, by streamlining project approvals and preventing local actions that reduce  
38 housing capacity. The State's adoption of SB 330 has impacted the ability of all  
39 jurisdictions in California to adopt regulations that lessen the intensity of housing. Most of  
40 SB 330's provisions will sunset (expire) on January 1, 2025, unless extended by the  
41 legislature.  
42

43 Although SB 330 includes many provisions, the ones that are particularly relevant to the  
44 MCSP-IP are that the new zoning regulations may not: 1) reduce the allowed intensity or  
45 number of units for residential land uses/parcels; 2) impose or enforce a moratorium on  
46 housing development; 3) impose any new non-objective design standards on proposed  
47 developments; and 4) implement or enforce limits on the number of residential building  
48 permits issued.

1  
 2 The MCSP-IP implements the existing requirements, densities and development  
 3 standards of the MCSP and the Moraga Municipal Code and is consistent with the  
 4 provisions of SB 330.  
 5

6 **Table 1: Moraga Center Specific Plan Timeline**  
 7

<u>Dates</u>	<u>Actions and or Meetings</u>
July 30, 2007	Notice of Preparation California Environmental Quality Act (CEQA)
June 17, 2008	MCSP DEIR published
July 7, 2008	Planning Commission CEQA public hearing
July 8, 2008	Park and Recreation Commission review
July 9, 2008	Town Council CEQA public hearing
July 22, 2008	Town Council CEQA oral comments on Draft Environmental Impact Report (DEIR)
April 20, 2009	Planning Commission Public Hearing to consider adequacy of the Final Environmental Impact Report (FEIR)
January 27, 2010	Town Council adopted Resolution 14-2010 certifying the EIR
January 27, 2010	Town Council adopted the Moraga Center Specific Plan
2014	Town of Moraga awarded \$150,000 grant by Contra Costa Transportation Authority (CCTA)
Late 2015	Consultant Opticos produced a "Vision Concept"
October 2017	Consultant work suspended due to lack of funds
March 2018	Town of Moraga awarded \$140,000 grant from Metropolitan Transportation Commission (MTC)
June 12, 2019	Town of Moraga hired PlaceWorks to assist in drafting the zoning code provisions, development standards and design guidelines to implement the MCSP
July 8, Sept. 4 & 10, October 1, 2019	MCSP-IP Citizens Advisory Committee meetings to gather public input for the draft zoning, development standards, and design guidelines

July 20 & Aug 17, Planning Commission Public Hearing for proposed amendments  
2020 to Zoning Code and Design Guidelines

1 MCSP-Implementation Project

2 The MCSP Implementation Project (MCSP-IP) process has been underway since early  
3 2015, with the goal to develop zoning standards and design guidelines to implement the  
4 broader land use planning and policy framework established in the 2010 Moraga Center  
5 Specific Plan. Through zoning, development standards and the Design Guidelines the  
6 MCSP-IP implements the overall vision of the 2002 General Plan, 2015 adopted Housing  
7 Element and the 2010 MCSP so that the MCSP-IP is fundamentally consistent with all  
8 adopted documents.

9  
10 State law requires that zoning regulations be consistent with a Specific Plan. Although a  
11 20-Dwelling Unit per Acre Zoning district was adopted and applied to corresponding  
12 parcels in the MCSP area, similar re-zoning of other properties has not yet been enacted.  
13 As a result, in many cases there is considerable discrepancy between the MCSP's land  
14 use designations, allowable uses, densities and development standards, and the zoning  
15 regulations currently applied to those properties. This inconsistency is not only  
16 problematic relative to conformance with State Law, but risks confusion and ambiguity for  
17 property owners, staff, and decision-makers, as well as the community, when considering  
18 project approvals in the MCSP area. Although the MCSP governs over inconsistent  
19 zoning regulations, projects may require additional approvals, such as rezoning when  
20 there is inconsistency between the MCSP specified land use and zoning, contrary to the  
21 intent of the MCSP to provide for streamlining of approvals for projects consistent with  
22 the Specific Plan district.

23  
24 July 20, 2020 Planning Commission Staff Report

25 The July 20, 2020 Planning Commission staff report provides additional background  
26 information about the MCSP and MCSP-Implementation project process and content. In  
27 addition, the July 20 staff report provides an overview of the Draft MCSP Zoning Code  
28 and Draft MCSP Design Guidelines.

29  
30 Discussion

31  
32 On July 20, 2020, the Planning Commission held a public hearing and received  
33 comments via email and read aloud the 34 comments received on the Draft MCSP  
34 Zoning Code and Draft MCSP Design Guidelines. The Planning Commission took no  
35 action and made a motion to continue the discussion to the August 17, 2020 Planning  
36 Commission meeting.

37  
38 The Planning Commission also provided input on the proposed documents. Bullets 1-  
39 14 below identify the Planning Commission recommendation in **bold** followed by a staff  
40 response to address each comment. Bullets 15 – 18 are additional comments proposed  
41 by staff for clarity and consistency. Bullets 19 – 27 below are a response to some of the  
42 requested modifications from a property owner.

- 43  
44 **1. Require a pedestrian and bike trail along either side of the Laguna Creek**  
45 **bank.** The MCSP allows for, but does not require, a pedestrian or bicycle trail along

1 Laguna Creek. Requiring a trail could make the City vulnerable to legal challenge.  
2 Therefore, Staff recommends no changes to the current Draft MCSP Zoning Code  
3 guidance for the Laguna Creek trail.  
4

- 5 **2. Incorporate design guidance for interpretative signage along Laguna Creek**  
6 **and within Moraga Ranch and the two existing orchards.** The MCSP Draft  
7 Design Guidelines has been updated to incorporate this recommendation.  
8
- 9 **3. Specify the thematic character of Moraga on Ranch property.** Staff proposes  
10 to revise the purpose and intent section of the Draft MCSP Design Guidelines to  
11 encourage a focus on high quality design that is reflective of a traditional  
12 architecture that may include Spanish or Ranch architecture or other interpretation.  
13 The intent is to allow development in the MCSP that is a focal point of Moraga.  
14
- 15 **4. Update the Senior Housing definition to reflect the California Civic Code**  
16 **definition.** The second Draft MCSP Zoning Code incorporates this  
17 recommendation.  
18
- 19 **5. Include a definition for pocket parks and allow privately owned and**  
20 **maintained pocket parks in residential areas.** The second Draft MCSP Zoning  
21 Code incorporates this recommendation.  
22
- 23 **6. Allow congregate care in more zoning districts.** The Draft Zoning Code  
24 currently allows congregate care facilities in the MCSP Mixed Office/Residential  
25 district. Staff proposes to also allow congregate care in the Residential-20 and  
26 MCSP Mixed Retail/Residential districts.  
27
- 28 **7. Move street types and standards to the Draft MCSP Design Guidelines.** Staff  
29 agrees that the street types and standards are better aligned with the Draft MCSP  
30 Design Guidelines as street standards as long as they are consistent with MOFD  
31 and Public Works. This revision has been made to the second Draft MCSP Zoning  
32 Code and Design Guidelines.  
33
- 34 **8. Remove the 30' height limitation required by the Moraga Orinda Fire District**  
35 **(MOFD).** Since the MOFD requirements are independent of the Draft MCSP  
36 Zoning Code requirements, the 30' height limitation has been removed from the  
37 Draft MCSP Zoning Code as it will be handled by MOFD during the review of a  
38 formal project application.  
39
- 40 **9. Identify fire evacuation routes.** Staff recommends an overall Town wide  
41 approach to identifying fire evacuation routes which is be separate and ongoing  
42 project.  
43
- 44 **10. Revise the Residential-6 and Residential-12 minimum lot requirements to**  
45 **better reflect the allowed densities.** Staff proposes amending the Draft MCSP  
46 Zoning Code to allow for lower minimum lot area, coverage, and depth. In addition,  
47 staff recommends changing single family from a permitted to conditional use in the  
48 Residential-6 and Residential-12 zones to become a conditional use, so as to



1 encourage that these two zones accommodate compact units, as foreseen in both  
2 the MCSP and the Town's Housing Element.

3  
4 **11. Allow for more flexibility in the retail and commercial districts.** The retail and  
5 commercial zoning districts already allow for a diversity of uses. See response #18  
6 below.

7  
8 **12. Shared parking requirements should be rounded up or down.** The shared  
9 parking requirements are already rounded up. Staff has added an example of how  
10 shared parking would work in the MCSP.

11  
12 **13. Allow for flexibility in the creek setback.** The creek setbacks included in the  
13 Draft MCSP Zoning Code incorporate the County of Contra Costa creek setback  
14 requirements. As the County Code requirements are difficult to understand, the  
15 Draft MCSP Zoning Code language is a reiteration of the County creek setbacks  
16 in a more easily understood format.

17  
18 **14. Replace the development capacity table with the table from the MCSP.** The  
19 second Draft MCSP Zoning Code includes the development capacity table from  
20 the MCSP.

21  
22 In addition, to the Planning Commission comments above, staff proposes the following  
23 modifications for more clarity and consistency in the document.

24  
25 **15. Change the size for a major religious facility from 300 people to 5000 square**  
26 **feet.** The second Draft MCSP Zoning Code incorporates this recommendation.

27  
28 **16. Revise the temporary use definition to improve clarity and allow for a greater**  
29 **number of days.** The second Draft MCSP Zoning Code clarifies the  
30 administrative, conditional, and prohibited temporary uses and the findings of  
31 approval.

32  
33 **17. Clarify the lot coverage definition.** The second Draft MCSP Zoning Code  
34 includes an updated definition for lot coverage.

35  
36 **18. Clean-up the permitted and conditional uses in the Suburban Office District.**  
37 Staff proposes allowing the following permitted and conditional uses to align with  
38 the definitions and consistency with municipal code:

- 39
- 40 • Permitted Uses
    - 41 ○ Professional Services
    - 42 ○ Offices
    - 43 ○ Medical (Medical Services Facility only)
    - 44 ○ Personal Services, General and Improvement/Instructional
    - 45 ○ Cultural Institution
  - 46 • Conditional Uses
    - 47 ○ Animal Services (Hospital, Veterinary Clinic)
    - 48 ○ Assembly or Meeting Facility

- 1                   ○ Child Day Care Center (Nursery, Preschool, Childcare)
- 2                   ○ Fitness Facility, Health Club
- 3                   ○ Medical (Hospital, Medical Center)
- 4                   ○ Media Production Facility
- 5                   ○ Religious Facilities (Major Religious Facilities included)
- 6                   ○ Sports Recreation Facility (Indoor)
- 7                   ○ Supportive or Transitional Home
- 8                   ○ Government Office
- 9                   ○ Public Maintenance and Service Facility

10  
11 Based on input from property owners, staff has made additional revisions as follows:

12  
13 **19. Allow for additional flexibility in the MCSP Mixed Office/Residential.** Staff has

- 14 added the following permitted uses:
- 15                   Restaurant, Limited Service (this would allow bakery, café, lunch place)
  - 16                   Fitness Facility / Health Club (consistent with Table 4-5 MCSP)
  - 17                   Schools, College, university limited to extension school (consistent with
  - 18                   Table 4-5 MCSP)

19  
20 **20. Adjust the frontage width and distance between buildings for Chapter 8.41 –**

21 **MCSP Mixed Retail/Residential (12 – 20 Dwelling Unit per Acre) (MCSP MU-**

22 **RR) district to enhance the walkability of the area.** Staff proposes eliminating

23 the building separation requirement for building sides perpendicular to street

24 frontages in this district and has adjusted the lot width and minimum lot frontage

25 from 100 to 30 feet to increase walkability.

26  
27 **21. Clarify Chapter 8.41 - MCSP Mixed Retail/Residential definition of residential**

28 **active uses.** Staff suggests defining residential active uses as amenities such as

29 a workout room or gym, a building lobby or a lounge. Additionally, congregate care

30 and nursery schools have been added as permitted uses to allow for more

31 flexibility.

32  
33 **22. Modify the sidewalk and planting strip widths for the 60 and 52 foot Right-of-**

34 **Way Streets.** Staff proposes keeping a 6-foot sidewalk to maintain a consistent

35 standards throughout the Town, and any modifications to the character of the

36 streets are now part of the Draft MCSP Design Guidelines.

37  
38 **23. Modify the R-6 minimum lot standard.** Reduced from 10,000 sq. ft. to 3,600 sq.

39 ft. for 1 dwelling unit per lot as well as minimum lot width of 50 feet and minimum

40 lot depth of 70 feet. The reduction in the minimum lot standard would provide

41 greater flexibility and consistency with the MCSP which envisions compact

42 residential dwellings which would be attractive for niche market. The minimum lot

43 standard would also allow for response to physical conditions and topography.

44  
45 **24. Street standards.** Eliminated from the Zoning Code, as part of Moraga Orinda

46 Fire District (MOFD) and Public Works review, and the street character is now part

47 of the Design Guidelines. These items are not typically in a Zoning Code and are

1 best reviewed for consistency by MOFD and Public Works consistent with the  
2 Moraga Municipal Code Street Standards.

3  
4 **25. Considerations for R3, R6 and R12 density range, lot size, height and**  
5 **standards.** These standards are in the 2010 MCSP and any additional standards  
6 in the MCSP-IP are required to be fundamentally consistent. The MCSP Table 4-  
7 1: MCSP Development Potential allows for the maximum development potential  
8 and is a framework. Each future application would need to work within the  
9 established framework.

10  
11 **26. Section 8.33.40 (R12) and 8.34.40 (R20) Allow for Maximum density.** Staff will  
12 add clarification that maximum density is allowed per State Law.

13  
14 **27. Section 8.76.80 (C) Clarify the Shared Parking calculation.** For purposes of  
15 clarity, staff has added an example of how the shared parking factors would be  
16 applied.

17  
18 Public Comments

19 At the July 20, 2020 Planning Commission meeting, public comments were submitted via  
20 email, and were read out loud. Since the meeting, staff has reviewed the comments, and  
21 categorized the comments into key areas of concern. The key concerns are listed below  
22 in bold, with staff comments in regular text as follows:

23  
24 **Minimize impact of this development on Fire and Traffic Safety and on the Visual**  
25 **beauty of the Town.**

26  
27 Fire Safety: Contra Costa County produces a comprehensive update and a Hazard  
28 Mitigation Plan (HZP) that is reviewed and approved by Federal Emergency Management  
29 Agency (FEMA). The approved plan is updated every five years and is a multi-  
30 jurisdictional regional planning effort supported by the Association of Bay Area  
31 Governments with 35 planning partners including Town of Moraga, City of Orinda and  
32 City of Lafayette. The HZP allows for coordinated mitigation planning and to leverage all  
33 resources for a planning partnership. The last plan was adopted in 2018. The HZP is a  
34 more regional approach to multiple kinds of potential natural disasters.

35  
36 The plan evaluates historical data, risk assessment, a mitigation action plan and  
37 implementation for various natural hazards including dam and levee failure, drought,  
38 earthquake, flood, landslide, as well as wildfire. In terms of wildfires, fire severity data is  
39 acquired from the California Department of Forestry and Fire Protection (CALFIRE). CAL  
40 FIRES's models and maps wildfire hazard zones using a science-based and field tested  
41 computer model that designate moderate, high or very high fire hazard severity zones  
42 (FHSZ). Based on the models and mapping, in general the Town of Moraga is not in a  
43 wildfire severity zone, however there are parts of Moraga that are vulnerable due to  
44 natural vegetation in undeveloped areas and large lot home sites with extensive areas of  
45 un-irrigated vegetation. The HZP analyzes Wildfire Hazard Areas based on population,  
46 critical facilities, land use, exposure and valuation of structures, critical infrastructure, and  
47 the analysis indicates the Town of Moraga has limited or no exposure within either  
48 moderate, high and very high FHSZ.

1  
2 The plan evaluates future trends in development with all municipalities experiencing  
3 growth. The highly urbanized portions of the planning area have little or no wildfire risk  
4 exposure (13-14). Overall, for the Town of Moraga, 9.8 Hazard Risk Ranking for Wildfire  
5 is a low category.

6  
7 In terms of evacuation if a wildfire does occur, the Moraga Police Department coordinates  
8 efforts with the Moraga Orinda Fire District (MOFD) with the Police Department as the  
9 responsible authority on evacuation procedures. In the event of a Wildfire, the Police  
10 Department has an evacuation plan based on geographic zones. The plan has been  
11 tested with a virtual evaluation drills. The most recent drill occurred on August 1, 2020  
12 and assumed a virtual fire through the use of a fire mapping program. Evacuations were  
13 ordered by zone. Another successful fire evacuation strategy which could be enacted is  
14 the establishment of a temporary refuge area and defense of the area with a water curtain.  
15 MOFD has developed and adopted standards for high and very high FHSZ to create fire  
16 resistant neighborhoods which includes sprinklers, design, building materials and  
17 landscaping. The Fire Code amendment is scheduled to be adopted by the Town of  
18 Moraga on August 26, 2020.

19  
20 Traffic Safety: A detailed traffic analysis for the specific plan has been analyzed as part  
21 of the Draft and Final Environmental Impact Report (DFEIR and FEIR) dated March 26,  
22 2009, that was part of the adopted 2010 MCSP. The analysis was part of the FEIR Section  
23 4.F Transportation, Circulation and Parking and looked at the roadway network, transit  
24 connections, intersection operations. The analysis in general concluded that no adverse  
25 impacts would result to the current transportation systems. The traffic analyzed is based  
26 on the maximum development potential and comprehensively looks at Town of Moraga,  
27 City of Orinda and City of Lafayette.

28  
29 **Some residents raised concerns that with the current economy some office and**  
30 **retail spaces maybe built but remain vacant.**

31  
32 The permitted uses in both the retail and office space are broad with many categories  
33 allowed, such as beauty shops, pharmacies, delivery services, tailor shops, design  
34 professional services, management and public relations services, financial consulting, as  
35 well as hotel, offices, government offices. With a broad range of uses it will allow owners  
36 and tenants flexibility with the changes in any economic cycle.

37  
38 The 2010 MCSP recognizes that given the scale of the area, it may be expected that new  
39 development and redevelopment will occur over several years in response to market  
40 demands. Recognizing that over this time period changing demographics and economics  
41 will dictate that various combinations of housing, retail, and office will be appropriate for  
42 development at any given time, the MCSP Development Program will need to be flexible  
43 to adapt to this dynamic land market.

44  
45 While the zoning allows development of new office and retail space, it does not require it.  
46 If there is not a market for additional retail, it more than likely will not be developed.  
47 Additional active uses were added to the MU/Retail-Residential district to address  
48 concerns raised regarding the future of retail.

1  
2 **Allow for open space and parks as part of the plan.**  
3

4 Privately owned and maintained pocket parks are now allowed in all residential zoning  
5 districts. Along Laguna Creek, the adopted 2010 MCSP establishes a riparian corridor.  
6 The area along Laguna Creek and its tributaries are to be protected for wildlife habitat  
7 and flood protection while accommodating visual safety.  
8

9 **Pear Orchard should be preserved as open space.**  
10

11 Under the General Plan, and the adopted 2010 Specific Plan, areas 3 and 5 along Moraga  
12 Way are identified as mixed density housing that is clustered to protect some of the  
13 orchard areas. These areas are not part of a designated open space. Additionally, under  
14 Moraga Municipal Code 8.132 Scenic Corridors, Moraga Road and Moraga Way are  
15 listed as major scenic corridors. In general, the regulations and design guidelines require:  
16 Retain topography, vegetation and scenic features  
17 Buildings shall be designed to maintain views of distant hillsides and ridgelines  
18 Create compatible visual relationship between buildings and landscaping  
19

20 **Allow for additional opportunity for public input and feedback.**  
21

22 Two Town Hall meetings, an in-person meeting on September 1 and a Zoom webinar on  
23 September 2, have been scheduled to discuss the implementation of the MCSP with the  
24 community. More information is available on the Town’s website [www.moraga.ca.us](http://www.moraga.ca.us).  
25

26 **California Environmental Quality Act**  
27

28 The Town prepared an Environmental Impact Report (EIR) (SCH 200707212) to address  
29 the potentially significant adverse environmental impacts associated with the planning,  
30 construction, or operation of the Moraga Center Specific Plan (MCSP) and to identify  
31 appropriate and feasible mitigation measures and alternatives that may be adopted to  
32 significantly reduce or avoid the impacts identified in the EIR. The Town certified the Final  
33 EIR for Moraga Center Specific Plan project on January 27, 2010. The proposed zoning  
34 ordinance implements the approved MCSP and the design guidelines restructure the  
35 existing guidelines and make minor amendments and additions regarding streets and  
36 other public spaces. This amended project will not result in additional environmental  
37 effects not previously evaluated in the EIR. The proposed zoning ordinance includes  
38 development standards and zoning districts consistent with the MCSP and already  
39 analyzed in the EIR. Further, the proposed zoning ordinance allows for development  
40 consistent with the MCSP and analyzed in the EIR. Therefore, there are no new  
41 significant environmental effects. In addition, any development project proposed in the  
42 MCSP will be required to comply with the Mitigation Monitoring and Reporting Plan  
43 adopted in connection with the EIR, as well as go through site-specific environmental  
44 review.  
45

46 Additionally, CEQA Guidelines section 15162 provides that “no subsequent EIR shall be  
47 prepared” for a project unless the lead agency determines that (1) “substantial changes  
48 are proposed in the project which will require major revisions of the previous EIR,” (2)

1 “substantial changes occur with respect to the circumstances under which the project is  
2 undertaken,” or (3) “new information of substantial importance ... shows” one or more  
3 significant effects not discussed in the original EIR, greater severity to previously-  
4 identified substantial effects, or newly-found feasible mitigation measures that would  
5 substantially reduce significant effects. As there will not be any changes to the proposed  
6 project or to the previously identified effects and mitigation measures, and there is no new  
7 information of substantial importance, no additional environmental review is necessary.  
8

9 Further, it can be seen with certainty under CEQA Guidelines section 15061(b)(3) that  
10 there is no possibility the proposed zoning ordinance and the amended design guidelines  
11 may have a significant effect on the environment. As noted above, the proposed zoning  
12 ordinance implements the existing MCSP and allows for development consistent with and  
13 allowed under the MCSP. Further, the amended design guidelines simply restructure  
14 existing design guidelines by incorporating them in the Town’s general design guidelines  
15 and include minor modifications and additions. The ordinance and guidelines do not  
16 create any new standards or regulations that could impact the environment.  
17

18 **Public Notice**

19  
20 The meeting on July 20, 2020 was continued to August 17, 2020, therefore no additional  
21 notices were required.  
22

23 **Recommendation**

24  
25 Staff recommends the Planning Commission recommend the Town Council adopt the  
26 following Resolutions:  
27

28 A. Recommend the Town Council Adopt an Ordinance to:

- 29  
30 1) Adopt a new Zoning Map within the MCSP Area; and  
31  
32 2) Update Title 8 of the Moraga Municipal Code Including Chapters 8.04 –  
33 General Provisions and Definitions, 8.24 – One, Two, and Three Dwelling  
34 Units per Acre Residential Districts; 8.32 – Six Dwellings per Acre  
35 Multifamily Residential District (R-6); 8.34 – Twenty Dwelling Units per Acre  
36 Residential District (R-20); 8.36 – Community Commercial District; 8.40 –  
37 Limited Commercial District; 8.44 – Suburban Office District; 8.48 – Planned  
38 Development District; 8.50 – Planned Development-Commercial (PD-C);  
39 8.52 – MOSO and Non-MOSO Open Space Districts; 8.56 – Institutional  
40 District; 8.60 – Study District; 8.76 – Off-Street Parking and Loading; 8.124  
41 - Accessory Dwelling Units; and  
42  
43 3) Establish the Following New Chapters within Title 8 of the Moraga Municipal  
44 Code, Chapter 8.33 – Twelve Dwelling Units per Acre Multifamily  
45 Residential District (R-12); Chapter 8.37 – MCSP Commercial District  
46 (MCSP-C); Chapter 8.41 – MCSP Mixed Retail/Residential; (12-20 Dwelling  
47 Units per Acre) (MCSP MU-RR); Chapter 8.42 – MCSP Mixed  
48 Office/Residential (12-20 Dwelling Units per Acre) (MCSP MU-OR);

1 Chapter 8.65 – Moraga Ranch Overlay District; Chapter 8.200 – Moraga  
2 Center Specific Plan Area Regulations.  
3

- 4 B. Recommend the Town Council Adopt a Resolution to Revise the Moraga  
5 Design Guidelines to 1) Establish a New Chapter 11 in the Town of Moraga  
6 Design Guidelines to incorporate the Moraga Center Specific Plan Design  
7 Guidelines Adopted in 2010 as Appendix B to the Moraga Center Specific Plan;  
8 2) Make Minor Updates to the MCSP Design Guidelines Sections 6.1 Lighting,  
9 6.2 Signage, and 6.3 Walls and Fencing; 3) Add Chapter 11, Sections 8. Street  
10 Design Standards, 9. Pedestrian and Bicycle-Friendly Design, and 10. Town  
11 Square Design Guidelines to the MCSP Design Guidelines; and 4) Other Minor  
12 Non-Substantive Changes  
13

14 **Report reviewed by: Cynthia Battenberg, Town Manager**  
15 **Karen Murphy, Assistant Town Attorney**  
16

17 **Attachments:**

- 18 **A.** Resolution \_\_-2020 Zoning Code Amendments  
19 Exhibit A Draft Zoning Code  
20 **B.** Resolution \_\_-2020 Design Guidelines  
21 Exhibit A Draft Moraga Design Guidelines  
22 **C.** Second Draft Zoning Code, redline and strikeout  
23 **D.** Second Draft Design Guidelines, redline and strikeout  
24 **E.** CAC Recommendations  
25 **F.** Draft Environmental Impact Report [link](#):  
26 **G.** Final Environmental Impact Report [link](#)  
27 **H.** Correspondence from the Public